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REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 1-10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 7,138,645. In response, claims 1-3 and 7-10 have been canceled thereby rendering the rejection thereof moot. With regard to claims 4-6, Applicants respectfully traverse the Examiner's rejection under the judicially created doctrine of obviousness-type double patenting for at least the reasons set forth below.

Firstly, claim 4 has been amended as discussed below and Applicants respectfully request reconsideration of the rejection under the judicially created doctrine of obviousness-type double patenting in light of amended claim 4. Secondly, Arai et al. (USP 7,138,645) claims a structure in which a calibration pattern is formed of three plates (not defined as three plates in the claims) and is assembled at the point of use. Therefore, each independent claim recites a "supporting member" (or supporting means) as well as "a first form and a second form" which are intended for the assembled state and the disassembled state. Meanwhile, the calibration pattern unit of claim 4 has a different claim structure in that the view of a camera is mechanically fixed to the assembled calibration pattern. Accordingly, the Applicants respectfully submit that the Examiner's double patenting rejection is improper and request that the same be withdrawn.

In the Official Action, the Examiner rejects claims 1-10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,917,702 to Beardsley et al., (hereinafter "Beardsley").

As discussed above, claims 1-3 and 7-10 have been canceled thereby rendering the rejection thereof moot. However, independent claim 4 has been amended to clarify its distinguishing features. Claims 5 and 6, dependent therefrom, have also been amended to be consistent with amended claim 4. The amendment to claim 4 is fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the present amendment to claim 4.

Specifically, claim 4 has been amended to recite "an imaging area and posture instruction section configured to instruct an area of a boundary of a field angle to be imaged when the calibration pattern is imaged, to definitely determine a position and posture of the imaging system relative to the calibration pattern and a size of an imaging range, so that the calibration pattern can be imaged as large as possible in a field of view of observing the boundary."

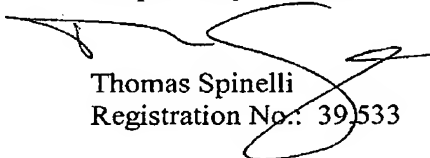
The calibration pattern unit of claim 4 allows the imaging area and the posture instruction section to be imaged as large as possible. Thus, an environment, in which optimum calibration can be performed, is prepared easily and efficiently.

On the white surface of the calibration object of Beardsley, a distinctive colored marker 153 and a black rectangular bar 151 are arranged. However, their intended use and aspect are totally different from that of the calibration pattern unit of claim 4. In Beardsley's observation, there never exists a technical idea of improving the accuracy of the calibration itself by closely harmonizing the calibration pattern with the field of view of the imaging camera so that the boundary of a field angle itself to be imaged is imaged directly as large as possible in a field of view of observation.

Therefore, with regard to the rejection of claims 1-10 under 35 U.S.C. § 102(e), a calibration pattern unit having the features discussed above and as recited in independent claim 4, is nowhere disclosed in Beardsley. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"¹ independent claim 1 is not anticipated by Beardsley. Accordingly, independent claim 1 patentably distinguishes over Beardsley and is allowable. Claims 5 and 6 being dependent upon claim 1 are thus at least allowable therewith (claims 1-3 and 7-10 being canceled). Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-10 under 35 U.S.C. § 102(e).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).